

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

YANCEY R.L. DOUGLAS,)
vs. Petitioner,) Case Number CIV-16-1454-C
CASEY HAMILTON, Warden)
Respondent.)

ORDER

On January 9, 2017, United States Magistrate Suzanne Mitchell issued her Report and Recommendation (R&R) in this action in which Petitioner pursues a 28 U.S.C. § 2254 claim. Judge Mitchell recommended that Petitioner's claim be dismissed for failure to timely pay the filing fee. On January 13, 2017, after the R&R was issued, Petitioner submitted \$5.00 to the Court Clerk. Plaintiff has also filed a document which will be construed as an Objection to the R&R noting that he has made the required payment.

Upon *de novo* review, the Court GRANTS Petitioner's objection and DECLINES to adopt the Report and Recommendation issued by the Magistrate Judge on January 9, 2017. This matter is remanded to the Magistrate Judge for further proceedings as outlined in the Court's December 21, 2016, Order.

IT IS SO ORDERED this 15th day of February, 2017.


ROBIN J. CAUTHRON
United States District Judge